

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Home Department –Andhra Pradesh Administrative Tribunal orders dated.16.06.2014 in O.A.No.5582/2011 filed by Sri G. Madhav, Inspector of Police, Kurnool Range for fixation of seniority along with 1996 batch in respect of the applicant – Examined- Implemented – Orders- Issued.

HOME (SER.I) DEPARTMENT

G.O.RT.No. 226

Dated:24.02.2015,
Read:-

From the Director General of Police, Andhra Pradesh, Hyderabad,
Lr.No.582/E1/2014, dated.26.11.2014.

(*****)

ORDER:-

In the reference read above, the Director General of Police, Andhra Pradesh, Hyderabad, has informed that Sri K. Gorantla Madhav, Sub Inspector of Police, had applied for the post of S.I. (Civil) in the year 1996 and selected in the interview. The character and antecedents of the candidates who were selected in the notification for the year 1996 were sent to the Inspector General of Police, Intelligence, A.P. Hyderabad for verification along with the above individual. On verification the character and antecedents of the above individual, it was found that he was involved Criminal cases and same was brought to the notice of the Chairman, SLPRB, Hyderabad. The Chairman, SLPRB, Hyderabad deleted the name of the above individual from the selection list and in his place Sri A. Prahlad, was selected as substitute according to the merit list vide their Memo.C.No.5/R&T/SC-1/1996, dated.7.11.1996. As the above individual, Sri G. Madhav had not mentioned about his involvement in the Criminal case against Column No.12 of Attestation Form and suppressed the facts in the attestation Form itself, it disqualified him for entering in the Police Department. Later on his representation to Government, the Government in G.O.Ms.No.224, Home (Pol.C) Department dated.06.09.1997 has issued direction to appoint Sri Gorntla Madhav, as S.I. of Police on 19.01.1998 and sent to APPA for 9 months basic training. No batch of SIs has undergone SIs training between the period from 11.11.1996 to 19.01.1998.

2. Further the DGP, A.P. Hyderabad, has informed that in the case of S/Sri M. Venkata Krishna Reddy and K. Maddaiah Acharya, they had applied for the post of SIs (Civil) in the year 1996 and selected in the interview and sent for medical examination. In the medical examination, they were found unfit due to the defective vision standard. Subsequently, they were found fit in re-examination for medical fitness on 28.01.1998 and issued appointment orders as S.I. and sent for 9 months basic training from 19.01.1998 along with the above individual. The above individuals have approached the Hon'ble APAT along with four other SIs and filed O.A.No.4924/2010 and VMA No.1345/2010 in O.A.No.193/2010 requesting for seniority from 11.11.1996. The Hon'ble APAT in its Judgment dated.28.07.2010 in O.A.No.4924/2010 and VMA No.1354/2010 in O.A.No.193/2010 has issued orders giving seniority to the above 2 candidates with effect from 11.11.1996 and the request of the other 4 SIs was rejected by Hon'ble APAT. Based on the Judgment, the Government have issued orders fixing up the seniority of above 2 SIs along with 1996 batch SIs i.e., from 11.11.1996. Accordingly, the above 2 candidates were given seniority with effect 11.11.1996 and promoted as Inspector of Police in July 2011. Though the contention of the applicant that his case and the cases of above 2 candidates are similar, his case is denied as he himself suppressed the facts of his involvement in Criminal cases.

3. Further, the D.G.P. A.P. Hyderabad, informed that two sets SIs were recruited pursuant to one notification of 1991, but they were sent for training in two spells i.e., some had under gone in the year 1991 and some had undergone in the year 1992 in view of wrong calculation of quota meant for Police executives/ Police Ministerial / Sportsmen and etc., On that the Government vide Memo.No.3119/Legal/2003-1, dated.17.03.2003 clarified that the SIs (Civil) of 1992 batch are entitled to intersperse them at their rightful places taking PTC marks into account as the difference in dates of training or examination between the above two sets of SIs were recruited pursuant to one notification is only administrative in nature. Similarly in the year 1995 two sets of SIs recruited pursuant to one notification 1995, but they were sent for training in two spells i.e., some had undergone in the year 1995 and some had undergone in the year 1996 in view of administrative delay. On that the

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Government in Memo.No.30958/Legal-1/A1/2005, dated.13.07.2006 clarified that the SI (Civil) of 1996 batch are entitled to intersperse them at their rightful places taking PTC marks into account as the difference in dates of training or examination between the above two sets of SIs is only administrative in nature. Further to sum up, the grounds on which the Government issued orders for interspersing the 1991-1992 and 1995-1996 batch SIs (Civil) as referred above do not apply to the applicant. Aggrieved with this, the applicant approached the Hon'ble APAT, Hyderabad and filed O.A.No.5582/2011 for not considering his case to include his name in 1996 SIs batch of Kurnool Range. The Hon'ble APAT in its orders dated.16.06.2014, have passed the following orders:-

"In view of the reasons stated in the point Nos.1 and 2, the O.A. is allowed, directing the respondents to fix up the placement of the applicant and his co-trainees, along with 1996 first batch trainees Sub-Inspectors of Police (Civil) as per the aggregate marks obtained by him at the end of the training in APPA, by interspersing their placements at the rightful places in terms of proviso to Rule 15 (a) of A.P. Police Subordinate Service Rules and also the principle adopted in Govt. Memo.No.3119/Legal/2003-1, Home (Ser.I) Department, dated.17.03.2003 and Govt. Memo.No.30958/Legal/A1/2005, dated.13.07.2006 and the orders in G.O.Ms.No.305, Home (Ser.II) Department, dated.24.06.2009 and the orders in O.A.No.193/2010 and O.A.No.4929/2010 with all consequential benefits. Appropriate orders, in this regard, shall be passed within a period of (8) weeks from the date of receipt of a copy of these orders no order as to costs".

4. The D.G.P. A.P. Hyderabad has further informed that the Government is the only competent authority to fix up the seniority of Sri Gorantla Madhav, Inspector of Police, Kurnool Range along with 1996 batch of SIs (Civil) of Kurnool Range. Therefore, the Director General of Police, A.P. Hyderabad has requested the Government to issue necessary orders on the fixation of seniority in respect of Sri G. Madhav, Inspector of Police, Kurnool Range along with 1996 batch of SIs (Civil) of Kurnool Range in view of the A.P.A.T. orders dated.16.06.2014 in O.A.No.5582/2011.

5. Government after careful examination of the entire matter have decided to implement the orders of Andhra Pradesh Administrative Tribunal dated.16.06.2014 in O.A.No.5582/2011 filed by Sri G. Madhav, Inspector of Police. Accordingly, by invoking powers under Rule 31 of Andhra Pradesh State and Subordinate Service Rules, 1996 the seniority of Sri G. Madhav, Inspector of Police, is hereby ordered to fix along with 1996 batch of Sub Inspectors and his placement be fixed in the batch according to his aggregate marks obtained in the training.

6. The Director General of Police, A.P. Hyderabad, shall take further necessary action in the matter immediately under intimation to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. B. PRASADA RAO,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, A.P. Hyderabad.

Copy to:
The Government Pleader for Home (Services),
Andhra Pradesh Administrative Tribunal,
A.P. Hyderabad.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER